STAFF REPORT TO THE MARIN COUNTY
DEPUTY ZONING ADMINISTRATOR
David Alexander Separate Trust Et al Coastal Permit & Design Review

Recommendation:	**Approved with conditions**
Hearing Date:	**January 26, 2023**

Application No(s):	P3743		
Agenda Item:	1	Owner(s):	David Alexander Separate Trust Et al & David Alexander /TR/ Et al
Last Date for Action:	2/7/23	Assessor's Parcel No(s):	191-031-33
		Property Address:	Vacant parcel on Elm Rd. extending from Hawthorne Rd. to Grove Rd. in Bolinas
		Project Planner:	Erin Yattaw
		Signature:	Erin Yattaw
Countywide Plan Designation:		C-SF5 (Low Density Residential Coastal Zone)	
Community Plan Area:		Bolinas	
Zoning District:		C-RA-B2 (Coastal Residential Agriculture, minimum lot size 10,000 square feet)	
Environmental Determination:		Exempt per CEQA Guidelines section 15303, Class 3	

PROJECT SUMMARY

The applicant requests Coastal Permit and Design Review approval to construct a new 780 square foot barn, a new 1,000 square foot hoop greenhouse, a new 100 square foot shed, and two 2,500-gallon plastic water tanks on a vacant lot in Bolinas. The 1,880 square feet of proposed development would result in a floor area ratio of 7 percent on the 25,992 square foot lot. The maximum heights and setbacks of the proposed structures may be found below.

The proposed barn would reach a maximum height of 22 feet, 6 inches above surrounding grade and the exterior walls would have the following setbacks on the through lot: 35 feet from the eastern front property line; 26 feet, 6 inches from the northern side property line; 93 feet, 6 inches from the southern side property line; 135 feet from the western front property line.

The proposed hoop greenhouse would reach a maximum height of 9.5 feet above surrounding grade and the exterior walls would have the following setbacks on the through lot: 138 feet, 6 inches from the eastern front property line; 31 feet from the northern side property line; 69 feet from the southern side property line; 11 feet, 6 inches from the western front property line.

The proposed shed would reach a maximum height of 9.5 feet above surrounding grade and the exterior walls would have the following setbacks on the through lot: 123 feet from the eastern front property line; 41 feet from the northern side property line; 69 feet from the southern side property line; 67 feet from the western front property line.

The proposed water tanks would reach a maximum height of 6 feet, 6 inches above surrounding grade and the exterior would have the following setbacks on the through lot: 26 feet, 1 inch from the eastern front property line; 9 feet, 6 inches from the northern side property line; 113 feet from the southern side property line; 165 feet, 6 inches from the western front property line.

Proposed site improvements would entail the planting an orchard of fruit trees and garden beds and erecting a fence around the property with gates for pedestrian and vehicle entry.

Coastal Permit approval is required pursuant to Marin County Local Coastal Program, Implementation Section 22.68.030 because the project entails new development in the Coastal Zone as defined in Article VIII, Chapter 22.130.D, Development. Design Review approval is required pursuant to Marin County Local Coastal Program, Implementation Section 22.62.070, Table 5-2-a because the project entails development for the purpose of an agricultural production land use, specifically a plant nursery without on-site sales and fruit crops within the C-RA zoning district.

PROJECT SETTING

Characteristics of the site and surrounding area are summarized below:

Total Lot Area:	25,992 square feet
Adjacent Land Uses:	Single-family residences to the north, west, east and south as well as undeveloped parcels to the north, south, and east.
Topography and Slope:	Relatively flat, with an average slope of
Existing Vegetation:	Ornamental trees and grasses
Environmental Hazards:	"High" fire risk, "moderate" fire hazard severity zone, "some" ground shaking amplification hazard, "high" expansive soil risk.

The project site consists of a vacant lot and is located within the community of Bolinas within an area that is intermixed with single-family residences and vacant parcels.

BACKGROUND

On August 18, 2022, the applicant submitted a Coastal Permit and Design Review application. The project was transmitted to the Marin County Department of Public Works, Environmental Health Services, and the California Coastal Commission. Staff received written responses from the Department of Public Works, Environmental Health Services, and the California Coastal Commission; their responses are attached. A notice was posted on the project site on September 8, 2022. The Community Development Agency provided public notice identifying the applicant and describing the project and its location. During the initial site assessment made by the project planner it was determined that additional biological site assessments would not be necessary due to the absence of environmentally sensitive habitat areas on the project site.

PUBLIC COMMENT

A public comment was received pertaining to the three existing wells on the site. The comment brought forward concern that the existing wells are not legal. The previous owner, Marc Dwaileebe, submitted a permit for drilling a water well intended for agricultural irrigation purposes on May 10, 2006. Environmental Health Services (EHS) staff paused the application and then approved the permit with additional well sites added. The well at the first site was constructed and was inspected on September 14, 2006 (Well "A"). The well at the second site was constructed and inspected on October 27, 2006, (Well "B") and the well at the third site was constructed and inspected on October 30, 2006 (Well "C").

Mr. Dwaileebe applied for a permit to use the irrigation wells for a Domestic Water System Permit on October 31, 2007. EHS staff visited the site on October 28, 2009 and verified the accuracy of the map that Mr. Dwaileebe had submitted with the application for a Domestic Water System permit. EHS staff reviewed transmittals of the project plans as well as the history of the existing wells. EHS staff deemed the project complete on October 17, 2022 and specified the existing wells are to be used strictly for irrigation purposes. No changes are proposed to the existing wells nor are any new wells proposed within the scope of the project. No residential uses are proposed on the site and the applicant indicated an intention to use the wells only for agricultural irrigation purposes.

The comment also asserted that the barn was too high and mentioned concerns that the upper loft would be utilized for habitation. The proposed barn is being conditioned not to exceed a maximum of 15 feet in height above surrounding grade as the barn is an agricultural accessory structure. Additionally, a condition of approval is being imposed that requires the property owner to record a deed restriction stating that the buildings on the property will not be converted to residential uses unless prior authorization is granted by the County.

RECOMMENDATION

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and approve the David Alexander Separate Trust Et al Coastal Permit & Design Review.

Attachments:

1. Recommended resolution
2. Project plans
3. CEQA exemption
4. DPW Transmittal Responses
5. EHS Transmittal Responses
6. Public Comments/Correspondence

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. _____
A RESOLUTION APPROVING WITH CONDITIONS THE DAVID ALEXANDER SEPARATE TRUST ET AL COASTAL PERMIT AND DESIGN REVIEW
Vacant Parcel on Elm Rd. extending from Hawthorne Rd. to Grove Rd., Bolinas
ASSESSOR'S PARCEL: 191-031-33

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SECTION I: FINDINGS

1. **WHEREAS**, David Alexander on behalf of the owners, David Alexander Separate Trust Et al, has submitted a Coastal Permit and Design Review application for a new barn, a hoop greenhouse, a shed, and two water tanks. The property is a vacant parcel located on Elm Road that extends from Hawthorne Road to Grove Road in Bolinas, California and is further identified as Assessor's Parcel 191-031-33.

2. **WHEREAS**, on January 26, 2023, the Marin County Deputy Zoning Administrator held a duly noticed public hearing to take public testimony and consider the project.

3. **WHEREAS**, the project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3 of the CEQA Guidelines because it does not have a significant impact on the environment.

4. **WHEREAS,** the project is consistent with the mandatory findings for Coastal Permit approval (Marin County Local Coastal Program, Implementation Plan Section 22.70.070).

A. Coastal Access. The proposed project, as conditioned, is consistent with the applicable policies contained in the Public Coastal Access section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.180 (Public Coastal Access). Where the project is located between the nearest public road and the sea, a specific finding must be made that the proposed project, as conditioned, is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act (commencing with Section 30200 of the Public Resources Code)

The project is consistent with the Land use Plan (LUP) public coastal access policies (C-PA-2, C-PA-15 and C-PA-16) and this finding because the project site is not located near a coastal bluff or beach access, and therefore, would not interfere or impact existing coastal access.

B. Biological Resources. The proposed project, as conditioned, is consistent with the applicable policies contained in the Biological Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.050 (Biological Resources).

According to the data on file in the Marin County Geographic Information System, the property does not contain any wetlands, coastal streams, riparian vegetation, any endangered species, coastal dunes, or groves of trees. Additionally, staff conducted a site visit and determined a biological site assessment would not be necessary because no evidence of the presence of an ESHA was observed on the subject site.

The project is consistent with the LUP biological resources policies for the protection of natural transition and connection associated with streams, wetlands, and coastal dunes (C-BIO-1, C-BIO-2, C-BIO-3, C-BIO-7, C-BIO-8, C-BIO-14, C-BIO-23) and this finding because the project would not substantially alter the margins along environmentally sensitive habitat areas. Further, the project would not entail the irreplaceable removal of groves of trees that provide wildlife nesting and roosting areas.

C. Environmental Hazards. The proposed project, as conditioned, is consistent with the applicable policies contained in the Environmental Hazards section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.060 (Environmental Hazards).

On July 13, 2021, the Board of Supervisors voted to activate the certified Local Coastal Program (LCP) Amendments. All portions of Marin's LCP Amendments have been approved by the Board of Supervisors and certified by the Coastal Commission with the exception of chapters related to environmental hazards, which remain the subject of on-going work and public input. As a result, those sections of the original versions of the LCP, certified by the Coastal Commission in 1980 (Unit I) in 1981 (Unit II) and the Marin County Interim Code Sections 22.56.130I.H, 22.56.130I.K, and 22.56.130I.L still apply to environmental hazards and are further discussed in the Interim Code section of this report.

D. Agriculture and Mariculture. The proposed project, as conditioned, is consistent with the applicable policies contained in the Agriculture and Mariculture sections of the Marin County Land Use Plan and the applicable agricultural and maricultural standards contained in Chapter 22.32.

The subject property is zoned C-RA-B2 (Coastal, Residential Agriculture, minimum lot size 10,000 square feet). The purpose of the C-RA zoning district is to provide areas for residential uses within the context of small-scale agricultural and agriculturally related uses. Within the C-RA zoning district, plant nurseries without on-site sales and agricultural accessory structures are principally permitted. The applicant has sited the proposed development in such a way that it will leave open areas for growing plants.

As a means of ensuring that the proposed buildings continue to be used for agricultural purposes, a condition of approval is imposed that requires the property owner to record a deed restriction stating that the buildings will not be converted to residential uses unless prior authorization is granted by the County.

E. Water Resources. The proposed project, as conditioned, is consistent with the applicable policies contained in the Water Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.080 (Water Resources).

The applicant provided a preliminary drainage plan that was reviewed by the Department of Public Works and found to be acceptable. No grading is proposed. The project is consistent with the LUP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff that would adversely affect the quality of coastal waters (C-WR-1, C-WR-2, C-WR-3, C-WR-6) because the grading and drainage improvements would comply with the Marin County standards and best management practices required by the Department of Public Works.

F. Community Design. The proposed project, as conditioned, is consistent with the applicable policies contained in the Community Design section of the Marin County Land Use Plan and the applicable standards contained in Chapter 22.66 (Community Design).

The neighborhood surrounding the project site is primarily a mix of single-family residences and undeveloped parcels. The surrounding structures are a mix of one- and two-story structures. The proposed structures are one story except for a proposed barn containing a second-story loft. A condition is imposed that the barn will be lowered to not exceed the maximum allowable height for accessory structures of 15 feet. The other proposed agricultural accessory structures would be well under the maximum allowable height of 15 feet. The project, as conditioned herein, would conform with the allowable maximum height for the C-RA-B2 zoning district. Additionally, the project site is not located near a visually prominent ridgelines nor would the development affect visual resources. The project would not disrupt significant views of the ocean or scenic coastal areas because it is not highly visible from public viewing areas. The project would be consistent in scale, design and materials to the surrounding community. Therefore, the project is consistent with the LUP community design policies to protect visual resources and compatible design (C-DES-1, C-DES-2, and C-DES-3).

G. Community Development. The proposed project, as conditioned, is consistent with the applicable policies contained in the Community Development section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.110 (Community Development).

The project entails construction of a new barn, hoop greenhouse, shed, and two water tanks consistent with the governing residential agricultural zoning district, C-RA-B2 (Coastal, Residential Agriculture, minimum lot size 10,000 square feet) and Land Use Policy C-CD-2. Consistent with Land Use Policy C-CD-1 the project site has access to the available public services without causing significant impacts to coastal resources.

H. Energy. The proposed project, as conditioned, is consistent with the applicable policies contained in the Energy section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.120 (Energy).

The project would be required to satisfy all applicable energy-saving standards as required by the County's Building and Safety Division prior to the issuance of a building permit. Therefore, the project is consistent with the LUP energy policies (LUP Policies EH-2.1, EH-2.3, and CD-2.8) and this finding because it would be constructed in conformance with County energy efficiency standards, as verified during review of the Building Permit application.

I. Housing. The proposed project, as conditioned, is consistent with the applicable policies contained in the Housing section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.130 (Housing).

The proposed project would not result in the removal or demolition of low and/or moderate-income housing. Therefore, the project is consistent with the LUP housing policies to address low- and moderate-income housing needs in the Coastal Zone (LUP Policies C-HS-1) because the project does not entail the demolition of existing deed restricted affordable housing and would not affect the available housing stock in the surrounding community.

J. Public Facilities and Services. The proposed project, as conditioned, is consistent with the applicable policies contained in the Public Facilities and Services section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.140 (Public Facilities and Services).

The subject property is currently developed with three agricultural wells. Environmental Health Services Division staff have indicated that the wells are only allowed to be used for irrigation purposes. The proposed project does not entail using water for any purposes other than irrigation for the plant nursery on the property. The proposed project does not include the construction of a septic system. Environmental Health Services Division staff have required that the owner use his own bathroom facilities as his residential property nearby. Additionally, Environmental Health Services staff have required that the owner record a deed restriction advising that a septic system would be required in the future should the property be sold.

K. Transportation. The proposed project, as conditioned, is consistent with the applicable policies contained in the Transportation section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.150 (Transportation).

The project site is currently accessed from the public rights-of-way of both Hawthorne Road and Grove Road and would not entail any alterations or impacts to existing roadway facilities or public parking facilities. Therefore, the project is consistent with the LUP transportation policies (C-TR-1 and C-TR-2) and this finding because the project would not result in impacts to the three roads that the property has frontage on, Elm Road, Hawthorne Road, and Grove Road.

L. Historical and Archaeological Resources. The proposed project, as conditioned, is consistent with the applicable policies contained in the Historical and Archaeological Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.160 (Historical and Archaeological Resources).

The project site is not located within any designated historic district boundaries as identified in the Marin County Historic Study for the Local Coastal Program. Therefore, the project is consistent with the LUP historical and archaeological resources polices (C-HAR-2, C-HAR-8) and this finding because the project site is not located within any mapped historic district boundaries and would not affect historical, archaeological, or paleontological resources.

M. Parks, Recreation, and Visitor-Serving Uses. The proposed project, as conditioned, is consistent with the applicable policies contained in the Parks, Recreation, and Visitor-Serving Uses section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.170 (Parks, Recreation, and Visitor-Serving Uses).

The project is consistent with LUP policies for coastal recreation and visitor-serving and local-serving facilities (C-PK-1 and C-PK-4) and this finding because the project is located entirely on the subject property and would not adversely affect existing access to existing visitor and local serving amenities.

5. **WHEREAS,** the project is consistent with the mandatory findings for Coastal Permit approval pursuant to Marin County Interim Code Sections 22.56.130I.H, 22.56.130I.K, and 22.56.130I.L.

A. Dune Protection (Marin County Interim Code Section 22.56.130I.H)

There are no natural dunes in the development area or in the immediate surrounding area.

B. Shoreline Protection (Marin County Interim Code Section 22.56.130I.K)

The proposed project is not located adjacent to the shoreline or within a bluff erosion zone.

C. Geologic Hazards (Marin County Interim Code Section 22.56.130I.L)

There are no known active faults that cross the project site. The Marin County Community Development Agency, Building and Safety Division will require seismic compliance with the California Building Code prior to issuance of a project building permit.

6. **WHEREAS,** the project is consistent with the mandatory findings for Design Review approval (Marin County Code Section 22.42.060).

A. The proposed development complies with either the Single-family or Multi-family Residential Design Guidelines, as applicable, the characteristics listed in Chapter 22.16 (Discretionary Development Standards) and 22.32.168 (Tidelands), as well as any applicable standards of the special purpose combining districts provided in Chapter 22.14 of this Development Code.

There are no standards provided in Chapter 22.14 that apply to the project and the development would not occur within a tidelands area. The proposed project is consistent with the Design Guidelines and Discretionary Development Standards because it is designed to avoid adversely affecting natural resources or the character of the local community. The project's consistency with the standards and guidelines most pertinent to the subject property is discussed below.

SITE PREPARATION: Development Standards J.1 through J.6; Design Guidelines A-1.2 through A-1.4

The development is not located in an area that is constrained by unusual geotechnical hazards. Additionally, the project plans include a drainage plan. These plans would ensure that construction activities would minimize erosion. No grading is proposed. Additionally, no tree removal is proposed.

BUILDING LOCATION: Development Standards D.1 through D.4; Design Guidelines D-1.6

The proposed barn, hoop greenhouse, shed, and water tanks would be oriented towards the northern portion of the lot, leaving adequate room for garden beds and trees for the plant nursery and would not conflict with future agricultural uses. The property is not located within the Ridge and Upland Greenbelt (RUG) area and is not located on a visually prominent ridgeline. The residence would not obstruct views from public rights-of-way, waterways, or other public open spaces.

PROJECT DESIGN: Development Standard I.1 and I.2; Design Guideline D-1.7

The proposed barn will be conditioned not to exceed 15 feet in height, the hoop greenhouse will be 9 feet, 6 inches in height and the shed will also be 9 feet, 6 inches above grade consistent with the 15-foot height limit for accessory structures established by the C-RA-B2 zoning district. The proposed building materials would include a vertical wood sliding (hardie panel) with a pine painted white trim for the barn, stained brown wood siding for the shed, and greenhouse plastic for the hoop greenhouse. The proposed roofing material for the barn and shed consists of a dark composition shingle. The proposed barn will have roll up metal barn doors in a white powder coat finish.

MASS AND BULK: Design Guidelines D-1.1 through D-1.5

Consistent with Design Guideline D-1.1, the project utilizes detached buildings to break up the visual appearance of mass and bulk. Additionally, the mass and bulk of the proposed structures is broken up by varying roof forms and all structures are one story tall. The proposed development is not located on a steep hillside and therefore, does not include hillside design elements.

EXTERIOR LIGHTING: Development Standard G; Design Guideline C-1.11

No exterior lighting fixtures have been proposed.

LANDSCAPING AND VEGETATION REMOVAL: Development Standard F; Design Guideline A-1.1

The project site includes ornamental trees and grasses and the project would not result in any tree removal. The applicant is proposing to plant additional ornamental fruit trees and vegetables. According to the Marin County Geographic Information System, a portion of the site is identified as urban and the other portion is identified as Douglas Fir habitat, however, no Douglas Fir trees were observed on the subject property during a site visit conducted by staff.

ACCESS: Development standard C; Design Guidelines A-1.5

The project site is accessible via Hawthorne Road and Grove Road where vehicle gates will lead to a gravel area north of the proposed structures.

NEIGHBORHOOD COMPATABILITY: Design Guidelines B-1.1, C-1.1 through C-1.3, C-1.7

The neighborhood surrounding the project site is rural in nature. The proposed development is proportional to the character of the surrounding built environment in that only a small portion of the property is proposed to be developed, with the remainder of the property proposed to be retained for agricultural uses.

The structures would maintain adequate setbacks from surrounding properties to preserve adequate space, light, and a sense of openness between properties. The materials proposed to be utilized in construction of the structures are aesthetically compatible with the structures in the surrounding neighborhood.

B. **The proposed development provides architectural design, massing, materials, and scale that are compatible with the site surroundings and the community.**

The proposed project includes the construction of a barn, hoop greenhouse, shed, and two water tanks. The project site consists of a vacant lot which is accessed via Hawthorne Road and Grove Road. The Bolinas Mesa consists primarily of residences and vacant parcels as well as some agricultural and equestrian structures.

The proposed development includes modest one-story structures developed with the community character in mind. The proposed materials and colors of the structure would harmonize with the surrounding natural environment and the residences in the surrounding neighborhood.

C. **The proposed development results in site layout and design that will not eliminate significant sun and light exposure or result in light pollution and glare; will not eliminate primary views and vistas; and will not eliminate privacy enjoyed on adjacent properties.**

The project would not adversely impact sun and light exposure, views, vistas and privacy to adjacent properties due to the location of the residence, the size of the property, the topography of the site, and the location of the developed structures on the adjacent properties.

D. **The proposed development will not adversely affect and will enhance where appropriate those rights-of-way, streetscapes, and pathways for circulation passing through, fronting on, or leading to the property.**

Rights-of-way and pathways for circulation will not be impacted, because the project is located entirely on the property. The applicant proposes to add gravel on the site north of the structures to park vehicles and the proposed development would not detract from the streetscape.

E. **The proposed development will provide appropriate separation between buildings, retain healthy native vegetation and other natural features, and be adequately landscaped consistent with fire safety requirements.**

The project would maintain an adequate separation from the neighboring residences. Ornamental fruit trees and edible plants are proposed to be grown on site and the development would provide opportunities to meet fire safety requirements.

SECTION II: ACTION

NOW THEREFORE, BE IT RESOLVED that the project described in condition of approval 1 is authorized by the Marin County Deputy Zoning Administrator and is subject to the conditions of project approval.

This planning permit is an entitlement to apply for construction permits, not a guarantee that they can be obtained, and it does not establish any vested rights. This decision certifies the proposed project's conformance with the requirements of the Marin County Development Code and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. In addition to a Building Permit, additional permits and/or approvals may be

required from the Department of Public Works, the appropriate Fire Protection Agency, the Environmental Health Services Division, water and sewer providers, Federal and State agencies.

SECTION III: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the David Alexander Separate Trust Etal Coastal Permit & Design Review subject to the conditions as specified below:

CDA-Planning Division

1. This Coastal Permit and Design Review approval authorizes the construction of a new 780 square foot barn, a new 1,000 square foot hoop greenhouse, a new 100 square foot shed, and two 2,500-gallon plastic water tanks on a vacant lot in Bolinas. The approved 1,880 square feet of development shall result in a 7 percent floor area ratio.

   The approved barn shall not exceed a maximum height of 15 feet above grade. The exterior walls shall have the following setbacks on the through lot: 35 feet from the eastern front property line; 26 feet, 6 inches from the northern side property line; 93 feet, 6 inches from the southern side property line; 135 feet from the western front property line.

   The approved hoop greenhouse shall not exceed a maximum height of 9 feet, 6 inches above grade. The hoop greenhouse shall have the following setbacks on the through lot: 138 feet, 6 inches from the eastern front property line; 31 feet from the northern side property line; 69 feet from the southern side property line; 11 feet, 6 inches from the western front property line.

   The approved shed shall not exceed a maximum height of 9 feet, 6 inches above grade. The exterior walls shall have the following setbacks on the through lot: 123 feet from the eastern front property line; 41 feet from the northern side property line; 69 feet from the southern side property line; 67 feet from the western front property line.

   The approved water tanks shall not exceed a maximum height of 6 feet, 6 inches above surrounding grade. The water tanks shall have the following setbacks on the through lot: 26 feet, 1 inch from the eastern front property line; 9 feet, 6 inches from the northern side property line; 113 feet from the southern side property line; 165 feet, 6 inches from the western front property line.

   Proposed site improvements entail planting an orchard of fruit trees and garden beds and erecting a fence around the property with gates for pedestrian and vehicle entry.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Lazy Gate Family Farm," consisting of 8 sheets prepared by Platypus Productions Drafting + Design, received in final form on September 27, 2022, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

   BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall modify the project to conform to the following requirements:

   A. Lower the height of the proposed barn structure so as not to exceed a maximum height of 15 feet above surrounding grade.

B. Record a deed restriction stating the existing structures may not be converted to a residential use without prior authorization from the County of Marin.

3. The project shall conform to the Planning Division's "Uniformly Applied Standards 2023" with respect to all of the standard conditions of approval and the following special conditions: 3, 12.

CDA-Environmental Health Services Division

4. A deed restriction shall be placed on the property stating that when the property is sold the new owner will need to demonstrate the ability to dispose of sewage properly by installing a code-complying septic system.

SECTION IV: VESTING

NOW THEREFORE, BE IT RESOLVED that unless conditions of approval establish a different time limit or an extension to vest has been granted, any permit or entitlement not vested within three years of the date of the approval shall expire and become void. The permit shall not be deemed vested until the permit holder has actually obtained any required Building Permit or other construction permit and has substantially completed improvements in accordance with the approved permits or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval.

SECTION V: APPEAL RIGHTS

NOW, THEREFORE, BE IT RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and the required fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than 10 business days from the date of this decision ([date for end of appeal period]).

SECTION VI: ADOPTION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 26th day of January 2023.

Immanuel Bereket
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Michelle Reed
DZA Recording Secretary

MARIN COUNTY UNIFORMLY APPLIED CONDITIONS
FOR PROJECTS SUBJECT TO DISCRETIONARY PLANNING PERMITS

2023

STANDARD CONDITIONS

1. The applicant/owner shall pay any deferred Planning Division fees as well as any fees required for mitigation monitoring or condition compliance review before vesting or final inspection of the approved project, as determined by the Director.

2. The applicant/owner shall defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this application, for which action is brought within the applicable statute of limitations. The County of Marin shall promptly notify the applicant/owner of any claim, action, or proceeding that is served upon the County of Marin and shall cooperate fully in the defense.

3. Exterior lighting for the approved development shall be located and shielded to avoid casting glare into the night sky or onto nearby properties, unless such lighting is necessary for safety purposes.

4. Building Permit applications shall substantially conform to the project that was approved by the planning permit. All Building Permit submittals shall be accompanied by an itemized list of any changes from the project approved by the planning permit. The list shall detail the changes and indicate where the changes are shown in the plan set. Construction involving modifications that do not substantially conform to the approved project, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications is obtained by the applicant.

SPECIAL CONDITIONS

1. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance prepared by a certified or licensed landscape design professional indicating that the landscape plan complies with the State of California's Model Water Efficient Landscape Ordinance and that a copy of the Landscape Documentation Package has been filed with the Community Development Agency.

2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall mark or call out the approved building setbacks on the Building Permit plans indicating the minimum distance of the building from the nearest property line or access easement at the closest point and any of the following features applicable to the project site: required tree protection zones, Wetland Conservation Areas, or Stream Conservation Areas.

3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off-site shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts to the night sky or on nearby properties. Exceptions to this standard may be allowed by the Community Development Agency staff if the exterior lighting would not create night-time illumination levels that are incompatible with the surrounding community character and would not shine on nearby properties.

4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless related to losses experienced due to geologic and hydrologic conditions and other natural hazards.

5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit written confirmation that the property owner has recorded the "Disclosure Statement Concerning Agricultural Activities," as required by Section 23.03.050 of the Marin County Code.

6. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in the project approval, the applicant shall install 3-foot high temporary construction fencing demarcating established tree protection zones for all protected trees that are not being removed in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. Acceptable limits of the tree protection zones shall be the dripline of the branches or a radius surrounding the tree of one foot for each one inch diameter at breast height (4.5 feet above grade) of the tree trunk. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. If encroachment into the tree protection zone is necessary for development purposes, additional tree protection measures shall be identified by a licensed arborist, forester, or botanist, and the tree specialist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a tree protection zone occurs.

7. BEFORE FINAL INSPECTION, if encroachments into a tree protection zone have been approved, then the tree specialist shall submit a letter to the Planning Division verifying that the additional tree protection measures were properly implemented during construction activities.

8. BEFORE ISSUANCE OF A BUILDING PERMIT, temporary construction fencing shall be installed on the subject property at edge of the Wetland Conservation Area and/or Stream Conservation Area, as applicable to the site. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. The construction fencing shall remain until all construction activity is complete. No parking of vehicles, grading, materials/equipment storage, soil stockpiling, or other construction activity is allowed within the protected area. If encroachment into the protected area is necessary for development purposes, additional protection measures shall be identified by a qualified biologist and the biologist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A

report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a protected area occurs.

9. BEFORE FINAL INSPECTION, if encroachments into a protected area have been approved, then the biologist shall submit a letter to the Planning Division verifying that the additional protection measures were properly implemented during construction activities.

10. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant must provide written evidence that all appropriate permits and authorizations have been secured for this project from the Bay Conservation and Development Commission, the California Department of Fish and Game, the Regional Water Quality Control Board, the California Coastal Commission, the California State Lands Commission, the Bay Area Air Quality Management District, and/or the United States Army Corps of Engineers.

11. BEFORE CLOSE-IN INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper surveying certification prepare and submit written (stamped) Floor Elevation Certification to the Planning Division confirming that the building's finished floor elevation conforms to the floor elevation that is shown on the approved Building Permit plans, based on a benchmark that is noted on the plans.

12. BEFORE FINAL INSPECTION, the project shall substantially conform to the requirements for exterior materials and colors, as approved herein. Approved materials and colors shall substantially conform to the materials and colors samples shown in "Exhibit A" unless modified by the conditions of approval. The exterior materials or colors shall conform to any modifications required by the conditions of approval. All flashing, metalwork, and trim shall be treated or painted an appropriately subdued, non-reflective color.

13. BEFORE FINAL INSPECTION, the applicant shall install all approved landscaping that is required for the following purposes: (1) screening the project from the surrounding area; (2) replacing trees or other vegetation removed for the project; (3) implementing best management practices for drainage control; and, (4) enhancing the natural landscape or mitigating environmental impacts. If irrigation is necessary for landscaping, then an automatic drip irrigation system shall be installed. The species and size of those trees and plants installed for the project shall be clearly labeled in the field for inspection.

14. BEFORE FINAL INSPECTION, the applicant shall submit a Certificate of Completion prepared by a certified or licensed landscape design professional confirming that the installed landscaping complies with the State of California's Model Water Efficient Landscape Ordinance and the Landscape Documentation Package on file with the Community Development Agency.

15. BEFORE FINAL INSPECTION, the applicant shall submit written verification from a landscape design professional that all the approved and required landscaping has been completed and that any necessary irrigation has been installed.

16. BEFORE FINAL INSPECTION, utilities to serve the approved development shall be placed underground except where the Director determines that the cost of undergrounding would be so prohibitive as to deny utility service to the development.

17. BEFORE FINAL INSPECTION, the applicant shall call for a Community Development Agency staff inspection of approved landscaping, building materials and colors, lighting and

compliance with conditions of project approval at least five business days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection approval and imposition of hourly fees for subsequent reinspections.

CODE ENFORCEMENT CONDITIONS

1. Within 30 days of this decision, the applicant must submit a Building Permit application to legalize the development. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.

2. Within 60 days of this decision, a Building Permit for all approved work must be obtained. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.

3. Within 120 days of this decision, the applicant must complete the approved construction and receive approval of a final inspection by the Building and Safety Division. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.

WHEN FILED MAIL TO:

Marin County Community Development Agency, Environmental Review Division
3501 Civic Center Drive, #308
San Rafael, Ca 94903

Attn: Don Allee

THIS SPACE FOR COUNTY CLERK'S USE ONLY

NOTICE OF CEQA EXEMPTION

October 26, 2022

1.	**Project Name:**	**David Alexander Separate Trust Etal Coastal Permit & Design Review (P3743)**
2.	**Project Location:**	Vacant parcel on Elm Rd., extending from Hawthorne Rd. to Grove Rd. in Bolinas (APN 191-031-33)
3.	**Project Summary:**	The applicant requests Coastal Permit and Design Review approval to construct a barn, a hoop greenhouse, a shed, water tanks, and fencing.
4.	**Public Agency Approving Project:**	County of Marin
5.	**Project Sponsor:**	David Alexander
6.	**CEQA Exemption Status:**	CEQA Guidelines section 15303, Class 3
7.	**Reasons for Exemption:**	The project would not have a significant impact on the environment.

Project Planner:

Erin Yattaw
Planner

Reviewed by:

Rachel Reid
Environmental Planning Manager

VICINITY MAP

PLANNING APPLICATION REVIEW

DEPARTMENT OF PUBLIC WORKS

Inter-office Memorandum – Second Transmittal

DATE:	10/25/22	DUE:	10/21/22
		TYPE OF DOCUMENT	
TO:	Erin Yattaw	X	DESIGN REVIEW
FROM:	Maurice Armstrong	X	COASTAL PERMIT
APPROVED:		___	LAND DIVISION
RE:	David Alexander Separate Trust Etal CP	___	VARIANCE
	& DR P3743	___	USE PERMIT
APN:	191-031-33	___	ADU PERMIT
ADDRESS:	Vacant parcel with frontage on Elm Rd,	___	ENVIRONMENTAL REV.
	Hawthorne Rd, and Grove Rd in Bolinas	___	OTHER:

Department of Public Works Land Use Division has reviewed this application for content and:

X Find it **COMPLETE**
___ Find it **INCOMPLETE**, please submit items listed below
___ Find it **NEEDS SUBSTANTIAL MODIFICATIONS TO CONFORM**

Comments Included (Inc.) or Attached (Att.) from other DPW Divisions:

___ Traffic
___ Flood Control
___ Other: _____

Merit Comments

Prior to Issuance of a Building Permit:

Driveways:

1. Per Marin County Code § 24.04.240, where a driveway intersects a road, every attempt shall be made to intersect at ninety degrees or as close to that angle as possible. Demonstrate compliance.
2. **Visibility Obstructions:** Per Marin County Code § 13.18.00, it is unlawful to install or maintain any sign, fence, hedge, shrubs, natural growth or any other view obstructions which extend more than two feet six inches above the street level of any adjacent intersection, within the area between the property line and a diagonal line joining points on the property lines which are thirty-five feet from their intersection, as extended. Demonstrate compliance.
3. **Grading & Drainage Plans:** Provide the following information on the drainage and grading plan:
    a. Per 2019 California Residential Code § R401.3, lots shall be graded to drain surface water away from foundation walls. The grade shall fall a minimum of 6 inches within the first 10 feet. Where lot lines, walls, slopes, or other physical barriers prohibit 6 inches of fall within 10 feet, drains or swales shall be constructed to ensure drainage away from the structure. Impervious surfaces within 10 feet of the building foundation shall be sloped a minimum 2 percent away from the building. Demonstrate compliance.
    b. Indicate means of restoring all disturbed areas.

Best Management Practices:

4. Per Marin County Code § 24.04.625(a)(c)(g)(k), provide a plan indicating construction-phase best management practices (BMPs) include erosion and sediment controls and pollution prevention practices. Erosion control BMPs may include, but are not limited to, scheduling and timing of grading activities, timely re-vegetation of graded areas, the use of hydroseed and hydraulic mulches, and installation of erosion control blankets. Sediment control may include properly sized detention basins, dams, or filters to reduce entry of suspended sediment into the storm drain system and watercourses, and installation of construction entrances to prevent tracking of sediment

onto adjacent streets. Pollution prevention practices may include: designated washout areas or facilities, control of trash and recycled materials, covering of materials stored on-site, and proper location of and maintenance of temporary sanitary facilities. The combination of BMPs used, and their execution in the field, must be customized to the site using up-to-date standards and practices. You may refer to the Marin County Stormwater Pollution Prevention Program's website, https://www.marincounty.org/~/media/files/departments/pw/mcstoppp/development/erosionsediment-control-measures-for-small-construction-projects-_2015.pdf?la=en

Stormwater Control Plans:

5. If there is over 2500 sq-ft of new plus replace impervious surface Provide a Stormwater Control Plan as required by Marin County Code § 24.04.627 Permanent Stormwater Controls for New and Redevelopment. You may refer to the BASMAA Post Construction Manual which you can access at the County's website for post-construction stormwater management requirements, publications and resources at: http://www.marincounty.org/depts/pw/divisions/mcstoppp/development/new-and-redevelopment-projects?panelnum=2 . **Direction for this project is in Appendix C of the BASMAA manual, Stormwater Control Plans for Small Projects / Single Family Homes.**
6. **Encroachment Permit:** Grove Rd and Elm Rd are a County maintained roads. An Encroachment Permit from DPW is required for any work within the County's Road right-of-way, including, but not limited to, utility trenching, installation of new utility connections, and modifications to the driveway apron, curb and gutter. The plans shall clearly identify all proposed work in the right of way. If any work is proposed in the right of way, complete and submit an Encroachment Permit Application with your re-submittal.

-END-

From: Yattaw, Erin
To: Montano, Honora@Coastal
Subject: RE: David Alexander Separate Trust Etal Coastal Permit and Design Review (P3743)
Date: Thursday, October 20, 2022 11:32:00 AM
Attachments: image001.png
image002.png

Hello Honora,

Staff post a site notice on the subject property and perform a site visit for all projects. I performed a site visit at this property on September 8th. As I previously advised, I did not request a BSA in the initial project status letter.

Thank you,

Erin Yattaw
PLANNER
She/her

County of Marin
Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903
415 473 3535 T
eyattaw@marincounty.org

COUNTY OF MARIN

From: Montano, Honora@Coastal <Honora.Montano@coastal.ca.gov>
Sent: Thursday, October 20, 2022 10:52 AM
To: Yattaw, Erin <EYattaw@marincounty.org>
Subject: Re: David Alexander Separate Trust Etal Coastal Permit and Design Review (P3743)

Hi Erin, thank you for this updated transmittal.

We understand that the County GIS does not indicate any ESHA on site. However, the County should still request a BSA, or at the very least conduct a site visit to ground-truth the GIS. From our perspective, the GIS is a very important tool but not a comprehensive, definitive database of every site-level occurrence of ESHA, and under the LCP an ESHA could be as fine-grained as a single specimen or small area of one-parameter wetland. Additionally, it came recently to our attention, though a resident contacting our office, that the County GIS dataset was missing a large wetland area in this neighborhood, closely to Mr. Alexander's property. For

these reasons, the County should require a BSA for this proposed project, in order to rule out any adverse impacts to biological resources.

Thank you,
Honora

From: Yattaw, Erin <EYattaw@marincounty.org>
Sent: Monday, October 10, 2022 4:13 PM
To: Montano, Honora@Coastal <Honora.Montano@coastal.ca.gov>
Subject: RE: David Alexander Separate Trust Etal Coastal Permit and Design Review (P3743)

Hello Honora,

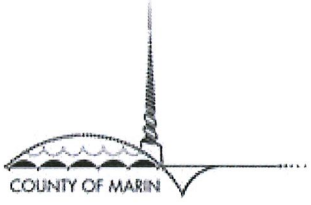
Mr. Alexander has resubmitted his plans. Please see the attached transmittal. I have also included my project status letter for reference to help clarify the information that DPW and Planning requested of Mr. Alexander.

Please note that he has included installing two water tanks into the proposed scope of work. Additionally, he has updated the project data as requested and he slightly adjusted the height of the barn and the proposed setbacks.

Thank you,

Erin Yattaw
PLANNER
She/her

County of Marin
Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903
415 473 3535 T
eyattaw@marincounty.org



From: Montano, Honora@Coastal <Honora.Montano@coastal.ca.gov>
Sent: Thursday, September 15, 2022 11:29 AM
To: Yattaw, Erin <EYattaw@marincounty.org>
Subject: Re: David Alexander Separate Trust Etal Coastal Permit and Design Review (P3743)

Very helpful to see, thank you!

From: Yattaw, Erin <EYattaw@marincounty.org>
Sent: Thursday, September 15, 2022 11:19 AM
To: Montano, Honora@Coastal <Honora.Montano@coastal.ca.gov>
Subject: RE: David Alexander Separate Trust Etal Coastal Permit and Design Review (P3743)

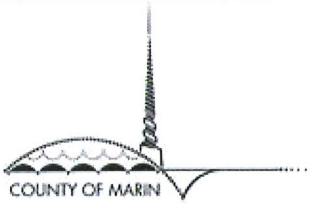
Hello Honora,

You are welcome. Certainly, please see EHS' transmittal response attached for reference.

Best regards,

Erin Yattaw
PLANNER
She/her

County of Marin
Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903
415 473 3535 T
eyattaw@marincounty.org



From: Montano, Honora@Coastal <Honora.Montano@coastal.ca.gov>
Sent: Thursday, September 15, 2022 8:53 AM
To: Yattaw, Erin <EYattaw@marincounty.org>
Subject: Re: David Alexander Separate Trust Etal Coastal Permit and Design Review (P3743)

Hi Erin, Thanks for the additional information, that makes more sense in context! Would it be possible to share the EHS approval document or transmittal once it is complete?

Thank you!

From: Yattaw, Erin <EYattaw@marincounty.org>
Sent: Wednesday, September 14, 2022 3:24 PM
To: Montano, Honora@Coastal <Honora.Montano@coastal.ca.gov>
Subject: RE: David Alexander Separate Trust Etal Coastal Permit and Design Review (P3743)

Hello Honora,

Thank you for your comments. I wanted to provide some clarification regarding the water onsite.

The applicant is intending to utilize the agricultural wells that already exist on the property. Environmental Health Services reviewed this aspect of the project in response to my transmittal and the wells are indicated on the plans. EHS staff have verified that the owner may utilize the existing wells and they have commented that the wells may be used for irrigation only and may not be used for drinking water supply. As such, no additional information will be requested to demonstrate that the parcel has adequate water supply. Please let me know if I may be of further assistance at this time. Again, I thank you for your time and attention to this matter.

Best regards,

Erin Yattaw
PLANNER
She/her

County of Marin
Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903
415 473 3535 T
eyattaw@marincounty.org

From: Montano, Honora@Coastal <Honora.Montano@coastal.ca.gov>
Sent: Wednesday, September 14, 2022 11:46 AM
To: Yattaw, Erin <EYattaw@marincounty.org>
Cc: Rexing, Stephanie@Coastal <Stephanie.Rexing@coastal.ca.gov>; KoppmanNorton, Julia@Coastal <julia.koppmannorton@coastal.ca.gov>
Subject: Re: David Alexander Separate Trust Etal Coastal Permit and Design Review (P3743)

Dear Erin,

Thank you for the opportunity to provide comments on the proposed project at 210 Elm Road, Bolinas, Project ID P3743 (David Alexander Separate Trust Etal Coastal Permit & Design Review). The project includes a new 780 square foot barn, a new 1,000 square foot hoop greenhouse, a new 100 square foot shed on a vacant lot in Bolinas, and various site improvements.

Given that the proposed development is on a vegetated vacant lot, a biological assessment should be prepared and submitted to determine the potential presence of Environmentally

Sensitive Habitat Area (ESHA) and/or other biological resources on site, and detailed information on any trees proposed to be removed should be included as part of this assessment, if no assessment has yet been conducted.

Per LCP water supply and agricultural lands policies, please provide information which demonstrates that this parcel has adequate water supply, including the possession a Bolinas Public Utility District water meter, to support the proposed water-intensive uses of tree fruit farming and garden beds.

Thank you for including these comments in the public record and sharing them with the Applicant.

-Honora

Honora Montano

Coastal Planner, North Central Coast District

California Coastal Commission

CALIFORNIA COASTAL COMMISSION

From: Yattaw, Erin <EYattaw@marincounty.org>
Sent: Thursday, September 1, 2022 6:09 PM
To: Montano, Honora@Coastal <Honora.Montano@coastal.ca.gov>; KoppmanNorton, Julia@Coastal <julia.koppmannorton@coastal.ca.gov>
Subject: David Alexander Separate Trust Etal Coastal Permit and Design Review (P3743)

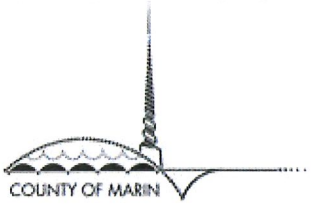
Hello Honora and Julia,

My name is Erin Yattaw with the Marin County Planning Division and I have been assigned to process the David Alexander Separate Trust Etal Coastal Permit and Design Review in Bolinas. Please see the Planning Division Transmittal and project plans attached to this email. Please let me know if you have any questions or concerns. I look forward to working with you.

Best regards,

Erin Yattaw
PLANNER
She/her

County of Marin
Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903
415 473 3535 T
eyattaw@marincounty.org



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INTERDEPARTMENTAL TRANSMITTAL
MARIN COUNTY ENVIRONMENTAL HEALTH SERVICES
ROOM 236, 473-6907
Second Transmittal

			TYPE OF DOCUMENT
DATE:	**October 17, 2022**		
TO:	**Erin Yattaw, Planner**	X	**DESIGN REVIEW**
FROM:	**Gwendolyn Baert, Supervising REHS**		LAND DIVISION
RE:	**David Alexander Separate Trust Etal**		USE PERMIT
	Coastal Permit & Design Review		VARIANCE
AP#:	**191-031-33**		MASTER PLAN
ADDRESS:	**210 Elm Rd., Bolinas**	X	**COASTAL PERMIT**
			LOT LINE ADJ.
			OTHER

THIS APPLICATION HAS BEEN REVIEWED FOR THE FOLLOWING ITEMS:

X	**WATER**	X	**SEWAGE**	SOLID WASTE
	POOLS		HOUSING	FOOD ESTABLISHMENT

THIS APPLICATION IS FOUND TO BE:

FIND IT COMPLETE.

FIND IT INCOMPLETE UNTIL THE ITEMS LISTED BELOW HAVE BEEN SUBMITTED.

X **FIND IT ACCEPTABLE AS PRESENTED, WITH THE FOLLOWING CONDITIONS.**

RECOMMEND DENIAL FOR THE REASONS LISTED BELOW.

This transmittal recognizes the installation of water tanks associated with the project. EHS has no objection to this addition.

1. Indicate whether the application materials contain enough information for you to determine whether the applicant can readily comply with your agency's standards.
   There is sufficient information to determine that the applicant can comply with Marin EHS standards.
2. If the application does not contain enough information for you to determine whether the project can readily comply with your agency's standards, please list the information that you will need to make this determination. **N/A**
3. If the application contains sufficient information for your review, please indicate whether the project is feasible as proposed or needs substantial modifications to comply with your agency's standards.

A deed restriction should be placed on the property that when the property is sold, that the new owner will need to demonstrate the ability to dispose of sewage properly, by installing a code-complying septic system.
The wells are to be used strictly for irrigation purposes, they are not considered a drinking water supply.

4. If the project needs to be substantially modified to comply with your agency's standards, please describe the scope of those modifications.
   See #3.

Yattaw, Erin

From: Christina Chin-Nemec <novac.chin@gmail.com>
Sent: Monday, November 7, 2022 6:13 PM
To: Yattaw, Erin; Baert, Gwen
Subject: Formal Complaint P3743
Attachments: Formal Complaint P3743.pdf

Please see attached

--
Christina Chin - Nemec

DZA - Attachment #7

Toby and Christina Chin Nemec

210 Grove Road
PO Box 855
Bolinas, CA 94924

VIA EMAIL ONLY

November 2, 2022

Gwendolyn R. Baert, REHS, MS
Environmental Health Specialist
Marin County Community Development Agency
gbaert@marincounty.org

Erin Yattaw, Planner
Marin County Community Development Agency
eyattaw@marincounty.org

RE: Public Comment and Complaint re P3743
David Alexander Coastal Permit and Design Review
APN 191-031-33

Dear Ms. Baert and Ms. Yattaw:

Please accept this letter as our formal public complaint concerning the above-referenced permit and development application. Also, in response to the recently mailed postcard – Notice of Planning Application – we are formally requesting a hearing on that application.

As you know, no water meter is connected to the lot at 210 Elm Road in Bolinas. And, due to the moratorium on new water connections to the municipal water system in Bolinas established by Resolution 173 of the Bolinas Community Public Utility District (BCPUD), such connection was denied to the prior owners of that lot – the Dwaileebes – in or around August 2006. Thereafter, the Dwaileebes applied for what appear to be two non-domestic water well drilling permits (although there are three wells on the 210 Elm property at this time). The agricultural water well permits were granted in or around 2006 with the understanding that Coastal Permits were not required for wells used exclusively for agricultural purposes.

About a year later, in October 2007, the Dwaileebes applied for a permit to operate a domestic water supply from one or more of their wells. According to correspondence from the Dwaileebes to Marin County Environmental Health Services (EHS), the nearest neighboring septic system at 210 Grove was approximately 140 feet from the water well. The Dwaileebes appealed the denial of the domestic water permit. *In denying that appeal on or about April 13, 2010, the Marin County Board of Supervisors relevantly stated:*

> As a result of the location of the wells, **the potential exists for the wells to limit development potential on neighboring properties**. Future septic systems and other potential sources of contamination on those properties would be required to be located at least 100 feet away from these wells. **The 100-foot setback encroaches onto several neighboring properties.** The applicant has not submitted evidence that the owners of the affected properties have given acknowledgement or consent to the imposition of development constraints on future use of portions of their properties. Therefore, the inclusion of the wells in the proposed project to provide domestic water would constrain future development of these properties. ***The appellant asserts that the change in use does not create development constraints, that the constraints were created in 2006, and that the proposed residential development does not impose additional development constraints. Different regulations were in place at the time the wells were drilled in 2006 and as the applicant is currently requesting a Coastal Permit to construct a new residence, the wells must meet current standards and be analyzed on their own merits and as an integral component of this new project. The three wells do place development constraints on neighboring properties and the fact that the wells were constructed in 2006 does not eliminate the presence of those constraints.***
> [Emphasis added.]

Interestingly, prior to the denial of the Dwaileebes' appeal, Mr. Dwaileebe wrote to Jennifer Blackman, General Manager of the BCPUD, on October 20, 2009:

> We want to make it perfectly clear that our well setback does not prevent Mr. Nemec from making future repairs or building a new septic system on his property. The setback extends 4 feet across Mr. Nemec's property line where his residence is located and county regulations require all septic systems be at least 5 feet from the property line. As a result there is no impact on that particular lot. He also has the option of building a septic system on the adjoining undeveloped lot which he owns and which is large enough for septic.

However, Mr. Dwaileebe's assertions were inaccurate. One well encroached onto what was then Toby's property(ies) by 21 feet, and another by 7 feet. And Toby's permission for this encroachment – similar to a forced easement or ***unauthorized taking*** – was never obtained.

The County knew the Dwaileebes'/Alexander's water wells infringed on Toby's property rights back in 2006; regardless, the County proceeded in permitting those wells without notifying Toby of this forced constraint on his development rights. Recently, as a result of the above-described encroachment, we had to move our *permitted* and installed leach lines on our new septic system *at our cost*.

The Marin County Board of Supervisors **already has found** that the wells **"must meet current standards and be analyzed on their own merits and as an integral component of this new project."** Therefore, we believe the owners should be required to upgrade and/or modify the property in order to meet current California Coastal Permit requirements, as well as Marin County requirements, similar to any new use additions or land use request. The laws are clear:

- California Department of Water Resources (DWR) Bulletin 74-90, effective February 15, 1990, is to be enforced by any county, city, or water agency failing to adopt a well ordinance. According to 74-90, construction of any type of well must be at least 100 feet from any "known ***or potential source***" of a "[w]atertight septic tank or subsurface sewage leaching field." [Emphasis added.] Since a property owner can build a septic system with leach lines generally within 5 feet of that owner's property line (or easement edge), one may conclude that every water well setback would have to be a <u>minimum</u> of 100 feet <u>from that setback line</u> of any neighboring property.

- In April 2007, subsequent to the Dwaileebes' construction of the water wells, the BCPUD resolved, and Marin County EHS passed, EHS POLICY # LU(W)-07.01, specifically applicable to the Bolinas Gridded Mesa. That Policy states that a water well **"shall maintain a 100-foot setback to the property boundary."** Clearly, this resolves any ambiguities and, importantly, any potential infringement of and constraint on another property owner's property rights.

The land development requested by Mr. Alexander, which is extensive, must be consistent with and adhere to these current regulations.

In addition to the illegality of the project, our complaint includes, without exclusivity, the following issues:

- The project requests permission to build a two-story barn directly across the street from our house, which would obstruct views of the ocean from our legally permitted residential home.

- A two-story barn is unnecessary and wholly unreasonable.

- There is electricity on the property without permit.

- Mr. Alexander's stated intentions and plans are suspect. The real purpose of the "barn's" second floor – as exhibited by the drawing of a balcony toward a possible ocean view – appears to be a living space. The size of his proposed barn and other buildings are disproportionate to the amount of land remaining for any meaningful farming. And, during the BCPUD meeting addressing Mr. Alexander's application, it was made crystal

clear by Mr. Alexander and his partner that this is simply the first step in developing and expanding their business. Trucks, customers, events, etc. will negatively impact this Mesa neighborhood. Mr. Alexander and his partner have expressed to various community members their intent to hold party events and musical gatherings at which they will sell their pies and other wares. Prior to Mr. Alexander's permit application, they held advertised (on Facebook and NextDoor) events at the property, attracting crowds of people who parked and hung out, loudly, all around our property – as if we were living across from Smiley's Saloon. Significantly, Platypus Productions, Mr. Alexander's business, puts on music events. And he would most definitely have people staying the night in his second story barn, just like he did on his land before he was asked by the County to remove them along with his illegal porta potty.

- Mr. Alexander has a history of illegal use of that land. The County had to ask him, on numerous occasions, with various written notices and in-person meetings, to remove trailers and RVs (at least three) and other items, including a porta-potty, that were unlawfully cluttering the property.

- Mr. Alexander's proposal positions the parking lot and pop-up sales across the street from our home, with no concern about the impact such presence will have on our home life and our children.

- The relationship between Mr. Alexander and our family already is contentious, causing us much apprehension for the future if this project is allowed to proceed. We have been threatened and have had to file police reports as a result of his conduct.

- The noise of people and trucks, tractors, and other farm equipment would destroy the quiet enjoyment of our neighborhood.

For all of the foregoing reasons, we object to and oppose Mr. Alexander's permit application. The Nemec family has resided here for generations. Never did we think we would be confronted with this type of business development in our neighborhood and, unfortunately, this deception. We anticipate that the County and Coastal Commission will take this complaint seriously and ensure that the regulations and the Board of Supervisors' previous analysis and conclusions are properly applied to this project. Thank you for your consideration.

Sincerely,

Toby Nemec

Christina Chin-Nemec

Yattaw, Erin

From: Christina Chin-Nemec <novac.chin@gmail.com>
Sent: Friday, October 21, 2022 2:02 PM
To: Yattaw, Erin
Cc: Toby Nemec
Subject: RE: P3743 - David Alexander Coastal Permit and Design Review

You don't often get email from novac.chin@gmail.com. Learn why this is important

Hello Erin,

We are the direct neighbors to this proposed project .

We are opposed for several reasons and would like to know when the public county meeting is for it ? and if you can inform us when it's scheduled?

Who in the Coastal Permit office would we direct our questions and concerns to about this project?

Thank You,

--
Christina Chin - Nemec
415-806-9962

Yattaw, Erin

From: Jennifer Blackman <jblackman@bcpud.org>
Sent: Monday, October 3, 2022 2:51 PM
To: Yattaw, Erin
Cc: David Alexander
Subject: D. Alexander Coastal Permit and Design Review (P3743)
Attachments: BCPUD Letter to E. Yattaw 100322.pdf; Public comments - Alexander project.pdf

Dear Ms. Yattaw:

Attached please find a letter from the Bolinas Community Public Utility District ("BCPUD") conveying public comment expressed during the BCPUD Board's regularly scheduled monthly meeting on September 21, 2022 concerning the above-referenced permit application.

Please contact me with any questions.

Best regards,

Jennifer

Jennifer Blackman
General Manager
Bolinas Community Public Utility District
270 Elm Road
P.O. Box 390
Bolinas, California 94924
(415) 868-1224

BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT

BCPUD BOX 390 270 ELM ROAD BOLINAS CALIFORNIA 94924 415 868 1224

October 3, 2022

Via email: eyattaw@marincounty.org

Erin Yattaw
Planner
Marin County Community Development Agency
Marin County Civic Center
3501 Civic Center Drive
Suite 308
San Rafael, California 94903

Re: Alexander Coastal Permit and Design Review Permit (P3743), APN#191-031-33, Bolinas.

Dear Ms. Yattaw:

On behalf of the Bolinas Community Public Utility District ("BCPUD"), I am writing with regard to the above-referenced project that currently is pending with the County's Planning Department.

First, applicable BCPUD regulations require that property owners apply for a limited water use permit from the district whenever changes are proposed to a property that require issuance of a Marin County coastal, building and/or use permit. However, a review of our records confirms that this property is not served by the BCPUD's water system. As such, the district's limited water use permit process is not applicable.

With regard to the merits of the project, the BCPUD Board of Directors received the enclosed written public comments in advance of its regularly scheduled (virtual) public meeting on September 21, 2022, at which the project applicant, Mr. David Alexander, was present. Several of the persons who submitted written comments spoke in favor of the project at the BCPUD Board meeting and their verbal comments were consistent with those submitted in writing. Steve Marcotte said he supports the project because the work done thus far by Mr. Alexander has made the property more attractive and has reduced fire hazards; he said he likes the idea of an orchard and garden beds, perhaps also a community garden, on this property. Vanessa Marcotte said she supports the project for the same reasons. Don Murch said he supports agricultural projects on the Bolinas Mesa and said that this project is better than building another house; he noted that there are several other examples of small-scale agriculture on the Bolinas Mesa.

Toby Nemec, Christina Chin-Nemec and Cheryl Ruggiero spoke against the project. Cheryl Ruggiero questioned why the proposed barn needs to be so tall and whether on-site sales of agricultural projects will be conducted, which would impact the residential neighborhood. Mr. Alexander said the upper portion of the barn will be used for storage and that no on-site sales are planned as public use of the site is not allowed.

Toby Nemec stated that the size of the proposed barn is out-of-scale compared to the available farmland on the property and that Mr. Alexander's use of the on-site irrigation wells will constrain development of his property (which is across Grove Road); he said the legality of the on-site irrigation wells has not yet been determined by the County. Mr. Alexander said that the County Counsel wrote a letter to Mr. Nemec stating that the wells are legal and ready for agricultural use only; he said the Environmental Health Services Department reviewed his application and has worked with him.

Christina Chin-Nemec said the legality of the wells on Mr. Alexander's property have been finally determined by the County and these wells constrain the use of the Nemec property; she said she and Mr. Nemec have submitted a formal request to the County about this. Ms. Chin-Nemec also expressed concern that someone could live in the upper portion of the barn and that public events there could have a huge impact. She feels that more time for public comment is needed for this project. Mr. Alexander repeated that he is not going to be conducting on-site sales, but said he may conduct off-site sales.

Finally, Ms. Ruggiero submitted the following comment in the meeting chat box: "I want to submit one more comment, as my hand was raised but I was not called again. My research of the history of the Dwaileebes' and now Alexander's wells reflects a Board of Supervisor's denial of the Dwaileebes' domestic water permit that made it clear that the wells, regardless of their purpose, did, in fact, constrain developments rights of neighbors who never consented to such infringement/encroachment. This presents a fundamental question in Bolinas about property rights."

Thank you for the opportunity to convey these public comments on the above-referenced project.

Very truly yours,

Jennifer Blackman
General Manager

enclosure
cc: David Alexander

Jennifer Blackman

From: Donald Murch <dwmurch@gmail.com>
Sent: Monday, September 19, 2022 5:39 PM
To: Jennifer Blackman; david@platypusprod.com
Subject: Letter of support for agricultural project at Elm and Grove in Bolinas

There has been a long history of small ag projects in Bolinas. There is an adjacent property that has produced and sold native plants that has been in operation for at least 30 years. (Larner seeds) Other larger operations are within the Coastal zone, such as California Orchids, which includes blocks of greenhouses for orchid collections (using BCPUD water) that support local workers and the owner. There are ag leases on the BCPUD sewer treatment properties that produce food for the community as well as animal leases on the same land that produce income for the small farmers operating them.These projects are mostly dry farmed or use the well at Resource recovery. Small farming dominates the industry in the Bolinas area. This includes the Tacherra Ranch with its beef and egg production, and the larger Niman Ranch on private land and park leases that produces beef and poultry for the community and further afield.

It is of note that this project uses shallow, permitted wells that will not impact the communities supply of domestic water. The original permit issued for this parcel, acquired by the infamous Dewallaby before it was purchased by David Alexander included (a permitted) multi bedroom house on this site. It is to Davids advantage (and the communities) that he has scaled down his project to exclude the house and focus on the community benefitting Ag project.

David has a house already just down Grove road that is his primary domicile.

I wish to promote agriculture in Bolinas that benefits our community and my farm, Gospel Flat Farm ,will undoubtedly be working with him to provide support and a ready market for his produce.

We need local agriculture to make this a viable community, not one dominated by absentee landlords and weekend rentals.

Don Murch, Gospel Flat Farm, Bolinas

Dear BCPUD Board;

We write this letter in full support of Mr. Anderson's proposal to improve the lot at the corner of Elm Rd. and Grove Rd.

As you know, the lot currently is vacant. Up until very recently it was a lot filled with unkept grasses and various types of brush. The lot was becoming overgrown and frankly an eye sore. In addition to the aesthetics, the fuel load on the lot was becoming very dangerous regarding wildland fire hazards. The lot is in close proximity of many homes in the immediate area.

Dave and his brother have spent many hours clearing and maintaining this lot. It already is much improved.

We have seen the proposed plans for this lot. The idea of an orchard of fruit trees and garden beds for various plants thrills us. As the world must adapt to the changing climate, more gardens and orchards is a step in the right direction that you should whole heartedly approve of.

As you are also aware, the lot has a legal agricultural well on it. This makes the impact to Bolinas' water concerns negligible, if not a positive.

For the above reasons, we encourage you, individually and as a Board, to approve of this project and send your support of it along to the Marin County Community Development Agency.

Sincerely,

Stephen and Vanessa Marcotte

201 Elm Rd. Bolinas

Jennifer Blackman

From: David Alexander <david@platypusprod.com>
Sent: Monday, September 19, 2022 7:07 PM
To: Jennifer Blackman
Cc: Rodney
Subject: Fwd: BCPUD meeting & project support

Sent from my iPhone

Begin forwarded message:

> **From:** Rodney <Box53@sbcglobal.net>
> **Date:** September 19, 2022 at 5:17:48 PM PDT
> **To:** David Alexander <david@platypusprod.com>
> **Subject: BCPUD meeting & project support**
>
> Dave Alexander 9/19/22
>
> Hi Dave,
>
> I see your on the upcoming BCPUD meeting agenda.
>
> I writing to wish you the best of luck at the BCPUD meeting and subsequent Coast Commission Hearing.
>
> As "Agricultural Use" is part of the "Bolinas Plan" I'm in favor of the any improvement that comply with the the "Bolinas Plan" and Marin County and Coast Commission regulations.
>
> Good Luck,
>
> Rodney Krieger
>
> 51 year resident + a few
> 370 Cedar Rd, Bolinas
>
> PS Feel free to share my support with BCPUD

Jennifer Blackman

From: David Alexander <david@platypusprod.com>
Sent: Monday, September 19, 2022 7:09 PM
To: Jennifer Blackman
Cc: benjamin colodzin
Subject: Letter of support

September 19, 2022

To Relevant Regulatory Agencies Re:

Coastal Permit and Design Review (P3743), Vacant Parcel with Frontage on Elm Road, Hawthorne Road and Grove Road, APN# 191-031-33

Mr. Alexander is attempting to raise the productivity of his land and we are Bolinas residents in full support of his activity. He has attempted to follow all relevant building dept. rules and design his plans in conformance with coastal regulations.

This project intends to increase local agricultural activity without impacting our local water supply due to the presence of an agricultural well on the property. We see this as a beneficial addition to our community and advocate that this project be approved.

Cordially,

Lee and Ben Colodzin

196 Rosewood Rd. Bolinas

Sent from my iPhone

Jennifer Blackman

From: David Alexander <david@platypusprod.com>
Sent: Monday, September 19, 2022 7:14 PM
To: Jennifer Blackman
Cc: Marcotte Greg
Subject: Letter of support from Greg Marcotte

To whom it may concern, Regarding the property on the corner of Elm and Grove, I am in full support of this project and it's entirety. This piece of property has been in place on the Mesa for a while and has been cleaned up by David Alexander. I think the project would go really well for Bolinas and the town. It won't use any town water to make the gardens. Nobody will be living there. It will simply be a working farm on an agricultural piece of property on the Mesa.
Greg Marcotte
201 Elm Rd.

Sent from my iPhone

Jennifer Blackman

From:	David Alexander <david@platypusprod.com>
Sent:	Tuesday, September 20, 2022 8:47 AM
To:	Jennifer Blackman
Cc:	pohlmanconstruction@mac.com
Subject:	Fwd: Project info for Letter of support

From: Edward Pohlman <pohlmanconstruction@mac.com>
Date: September 20, 2022 at 8:07:14 AM PDT
To: David Alexander <david@platypusprod.com>
Subject: Re: Project info for Letter of support

TO WHOM IT MAY CONCERN

EDWARD POHLMAN CONSTRUCTION
P.O. BOX 768
BOLINAS, CALIFORNIA 94924
(415) 868-2727
#525814

AS A BOLINAS MESA RESIDENT FOR ALMOST 40 YEARS, I AM VOICING MY SUPPORT FOR DAVID ALEXANDER'S PROJECT

ON ELM ROAD APN 191-031-33. I AM IN SUPPORT OF THIS AGRICULTURAL PROJECT ON THE MESA AS IT ALLOWS THE

LAND TO BE USED TO PRODUCE FRUITS AND VEGETABLES. I HOPE THIS IS ALLOWED TO MOVE FORWARD.

SINCERELY, EDWARD POHLMAN

Jennifer Blackman

From: David Alexander <david@platypusprod.com>
Sent: Tuesday, September 20, 2022 10:03 AM
To: Jennifer Blackman
Cc: scottfinney@hotmail.com
Subject: Fwd: Elm & Grove property

Sent from my iPhone

Begin forwarded message:

> **From:** scottfinney@hotmail.com
> **Date:** September 20, 2022 at 9:51:27 AM PDT
> **To:** David Alexander <david@platypusprod.com>
> **Cc:** Susan Frank <sdf4500@gmail.com>
> **Subject: Elm & Grove property**
>
> To those it may concern,
>
> I am in support of the Agricultural project proposed by David Alexander on his property on the corner of Elm and Grove, sounds like a positive use of the land. Look forward to seeing new energy. Also a reduction of the fire issues is another positive.
>
> Sincerely,
> Scott Finney